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July 2, 2021

Judge Jeffrey Brown
United States District Judge
Southern District of Texas, Galveston Division
601 Rosenberg Street, Sixth Floor
Galveston, Texas 77550

RE: Civil Action No.: 3:19-cv-238; *Jana Reed, Individually and as Representative of the Estate of Christopher Reed, et al v. Maersk Line-Ltd, USA, et al*; In the United States District Court for the Southern District of Texas.

Dear Judge Brown:

We write this letter to correct any misimpression concerning communications between counsel on the issue of Marcus Maher's participation as a witness at trial. On page 44 of Defendants' Reply Brief, Defendants say they approached Plaintiffs' counsel on the afternoon of Wednesday, May 19, 2021, to discuss the fact that Defendants' counsel did not have any witnesses "prepared to testify" the following day. On the following page, they say they cleared the plan with opposing counsel not to call any witnesses on Thursday, May 20, 2021.

To set the record straight, here is what occurred. The parties had an agreement each evening to tell the other which witnesses it would call the next day. Plaintiffs advised opposing counsel and the Court that we would rest on Thursday. On Wednesday evening, we advised counsel that we would call two witnesses Thursday morning and then rest. We also asked who they would call on Thursday after we rested. They said they were unsure. When I arrived back at the hotel after business hours, I sent two emails to Mr. Lightsey asking the identity of their witnesses for the next day. I received no response. Later, while in the hotel lobby, I ran into Jim Brown and asked him who they were going to call the next day. He said they had "no witnesses for tomorrow." Mr. Crew later talked with Mr. Brown and he was told the same thing. Both Mr. Crew and myself believed there were no defense witnesses available and decided therefore not to object the following day. Neither of us was ever told that Marcus Maher was available and was

going to be prepared for more than 4 hours at The Tremont House on Thursday so he could testify on Friday morning. Had we been told, we would have objected.

We do not know counsel's intent in using the words in the brief concerning this issue but want to correct any potential misimpression about what actually occurred.

Very truly yours,

/s/ John W. Stevenson, Jr.

John W. Stevenson, Jr.

JWS/aa

Enc.

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